

1 BILL NO. S-80-02-01

2 SPECIAL ORDINANCE NO. S- 13-80

3 ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO
4 ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE
5 REVENUE BONDS, SERIES 1980 (HOLSUM OF FORT WAYNE,
6 INC.)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO.

7 WHEREAS, the Fort Wayne Economic Development Commission has
8 rendered its Project Report for the Holsum of Fort Wayne, Inc.
9 Project regarding the financing of proposed economic development
10 facilities for Holsum of Fort Wayne, Inc., and the Fort Wayne Plan
11 Commission has commented favorably thereon; and

12 WHEREAS, the Fort Wayne Economic Development Commission con-
13 ducted a public hearing on January 22, 1980, and also adopted a
14 Resolution on January 22, 1980, which Resolution has been trans-
15 mitted hereto, finding that the financing of certain economic
16 development facilities of Holsum of Fort Wayne, Inc. complies with
17 the purposes and provisions of I.C. 18-6-4.5 and that such finan-
18 cing will be of benefit to the health and welfare of the City of
19 Fort Wayne and its citizens; and

20 WHEREAS, the Fort Wayne Economic Development Commission has
21 heretofore approved and recommended the adoption of this form of
22 Ordinance by this Common Council and has approved the forms of
23 and has transmitted for approval by the Common Council the Loan
24 Agreement, Mortgage and Indenture of Trust, and Guaranty Agreement;
25 now, therefore,

26 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
27 WAYNE, INDIANA, THAT:

28 Section 1. It is hereby found that the financing of the
29 economic development facilities referred to in the Loan Agreement
30 approved by the Fort Wayne Economic Development Commission and
31 presented to this Common Council, the issuance and sale of revenue
32 bonds, the loan of the proceeds of the revenue bonds to Holsum of
33 Fort Wayne, Inc., for the acquisition and construction of such
34 facilities and the equipping thereof, the payment of the revenue
35 bonds by the note payments of Holsum of Fort Wayne, Inc., under

1 the Loan Agreement and Note, and the securing of said bonds by the
2 mortgaging of such facilities to the Trustee under the Mortgage
3 and Indenture of Trust complies with the purposes and provisions
4 of I.C. 18-6-4.5 and will be of benefit to the health and welfare
5 of the City of Fort Wayne and its citizens.

6 Section 2. The final forms of the Loan Agreement, Mortgage
7 and Indenture of Trust and Guaranty Agreement approved by the Fort
8 Wayne Economic Development Commission are hereby approved and all
9 such documents (herein collectively referred to as the "Financing
10 Agreement" referred to in I.C. 18-6-4.5), shall be incorporated
11 hereby by reference and shall be inserted in the minutes of the
12 Common Council and kept on file by the Clerk.

13 Section 3. The City of Fort Wayne shall issue its Economic
14 Development First Mortgage Revenue Bonds, Series 1980 (Holsum of
15 Fort Wayne, Inc. Project), in the total principal amount of One
16 Million Five Hundred Thousand Dollars (\$1,500,000) for the purpose
17 of procuring funds to pay the costs of acquisition, construction
18 and equipping of the economic development facilities as more
19 particularly set out in the Mortgage and Indenture of Trust and
20 Loan Agreement incorporated herein by reference, which bonds will
21 be payable as to principal, premium, if any, and interest from the
22 note payments made by Holsum of Fort Wayne, Inc., under the Loan
23 Agreement or as otherwise provided in the above described Mortgage
24 and Indenture of Trust. The Bonds shall never constitute a general
25 obligation of, an indebtedness of, or a charge against the general
26 credit of the City of Fort Wayne.

27 Section 4. The Mayor, Clerk and/or Controller are authorized
28 and directed to sell such bonds to the purchasers thereof at a rate
29 of interest on the bonds not to exceed 7 3/4% per annum and at a
30 price not less than 100% of the principal amount thereof.

31 Section 5. The Mayor and Clerk are authorized and directed to
32 execute the documents constituting the Financing Agreement approved
33 herein on behalf of the City and any other document which may be
34 necessary or desirable to consummate the transaction, including the
35 bonds authorized herein. The signatures of the Mayor and Clerk may


1 be facsimile signatures. The Clerk and/or Controller are authori-
2 zed to arrange for delivery of such Bonds to the Trustee named in
3 the Mortgage and Indenture of Trust, payment for which will be
4 made to the Trustee named in the Mortgage and Indenture of Trust
5 and delivered by the Trustee to the purchasers thereof.

6 Section 6. The provisions of this Ordinance and the Mortgage
7 and Indenture of Trust securing the bonds shall constitute a con-
8 tract binding between the City of Fort Wayne and the holder of the
9 Economic Development First Mortgage Revenue Bonds, Series 1980
10 (Holsum of Fort Wayne, Inc. Project), and after the issuance of
11 said bonds, this Ordinance shall not be repealed or amended in any
12 respect which would adversely affect the rights of such holders
13 so long as any of said bonds or the interest thereon remains un-
14 paid.

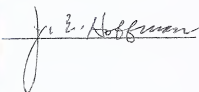
15 Section 7. This Ordinance shall be in full force and
16 effect from and after its passage and signing by the Mayor.

17 Passed and adopted this ___ day of _____, 1980.

18 CITY OF FORT WAYNE

19
20 
21 _____
22 Councilperson

22 Approved as to
23 form and legality

24 
25 _____
26
27
28
29
30
31
32
33
34
35

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 2-12-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Eisbart, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 2-26-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-13-80 on the 26th day of February, 19 80.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Vivian H. Schmiel
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 19 80, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 27th day of Feb. 19 80, at the hour of 11 o'clock A. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-80-02-01

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN
ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
FIRST MORTGAGE REVENUE BONDS, SERIES 1980 (HOLSUM OF FORT WAYNE,
INC.)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

MARK GIAQUINTA, VICE CHAIRMAN

BEN EISBART

PAUL M. BURNS

DONALD J. SCHMIDT

DATE 2-26-80 CHARLES W. WESTERMAN, CITY CLERK

LAW OFFICES

ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

SOL ROTHBERG
GEORGE E. FRUECHTENICHT
THOMAS D. LOGAN
PHILLIP E. GUTMAN
JOHN H. HEINEY
VERN E. SHELDON
DONALD M. AIKMAN

MARTIN T. FLETCHER
DAVID A. TRAVELSTEAD
RICHARD D. ROBINSON
THOMAS M. GALLMEYER
RICHARD E. FOX
RICHARD H. BLAICH
F. L. DENNIS LOGAN

AREA CODE 219
TELEPHONE 422-9454

INDIANA BANK BUILDING
FORT WAYNE, INDIANA
46802

THOMAS A. GALLMEYER
OF COUNSEL

February 14, 1980

Mr. Jimmy Stier
3404 Congress Avenue
Fort Wayne, Indiana 46806

Re: S-80-02-01 An Ordinance authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, Series 1980 (Holsum of Fort Wayne, Inc. Project)" and approving other actions in respect thereto.

Dear Mr. Stier:

This office serves as legal counsel for Holsum of Fort Wayne, Inc. (the "Company" identified in S-80-02-01).

It is our understanding that the above-captioned bill was introduced during the course of the Fort Wayne Common Council proceedings held February 12, 1980. It is our client's desire that this bill be presented for discussion and that it be given the opportunity to respond to any questions which might arise concerning its project at the Finance Committee meeting presently scheduled for February 19, 1980.

It is with our client's desire in mind, and upon recommendation by the City Clerk's office, that I am writing you to request that this bill be placed on the Finance Committee's agenda for its February 19, 1980 meeting.

It is our hope that at the February 19 meeting, this project can be fully explained to the members of the Common Council and all questions concerning same can be answered, so that the Council can be in a position to take whatever action it deems appropriate regarding this bill at its February 26, 1980 session.

ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

Mr. Jimmy Stier
February 14, 1980
Page Two

Thank you for your consideration of this matter.

I remain,

Very truly yours,

ROTHBERG, GALLMEYER,
FRUECHTENICHT & LOGAN

Richard D. Robinson

rmb

cc: Mr. Charles W. Westerman
Clerk of the City of Fort Wayne